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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,211	12/19/2000	Brian Nathan Dingman	85CF-00110	7664

7590 07/02/2004

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EXAMINER
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COLON, CATHERINE M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/741,211	DINGMAN ET AL. <span style="float: right;">Cb</span>	
	<b>Examiner</b>	<b>Art Unit</b>	
	C. Michelle Colon	3623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/23/01</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following is a Non-Final Office Action in response to the communication received on December 19, 2000. Claims 1-36 are now pending in this application.

#### ***Information Disclosure Statement***

2. The examiner has reviewed the publications supplied in the Information Disclosure Statement (IDS) provided on March 23, 2001.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Marpe et al. (U.S. 6,671,693).

As per claims 1, 13 and 25, Marpe et al. discloses a method, system and computer for collaborating on due diligence issues to affect efficient knowledge building within due diligence teams, said method comprising the steps of:

accessing stored, accumulated knowledge in a repository from prior due diligence exercises (col. 13, lines 18-61; col. 15, line 17; col. 16, lines 46-65; Figure 13;

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The system discloses accessing knowledge and experience information from a knowledge database.);

applying to due diligence decisions criteria based on consolidated analytical building blocks of past due diligence exercises (col. 15, line 60-col. 16, line 17; Users rely on data found in the knowledge database to conduct their projects or tasks.); and storing newly accumulated knowledge from the current due diligence exercise into the repository of accumulated knowledge (col. 15, lines 49-59; col. 17, lines 2-15; Users can add knowledge to the knowledge database as they complete new projects.).

As per claims 2, 14 and 26, Marpe et al. discloses a method, system and computer according to claims 1, 13 and 25, wherein said step of accessing stored, accumulated knowledge in a repository further comprises the step of accessing a suite of at least one of business processes, computer systems, analytical tools, financial models, data manipulation tools, business process tools, methodologies and analytics (col. 13, lines 18-61; col. 15, line 17; col. 16, lines 46-65; col. 17, lines 19-67; col. 40, lines 17-20; The system provides users with a suite of tools for carrying out various business functions.).

As per claims 3, 15 and 27, Marpe et al. discloses a method, system and computer according to claim 1, 13 and 25, wherein said step of accessing stored, accumulated knowledge in a repository further comprises the step of accessing a high level map and associated descriptions of the roles and responsibilities within the due diligence team such that team members can see who has functional responsibilities,

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how the team members as individuals fit into the due diligence team and who to contact for information (col. 43, line 55-col. 44, line 67).

As per claims 4, 16 and 28, Marpe et al. discloses a method, system and computer according to claim 1, 13 and 25, wherein said step of applying to due diligence decisions criteria based on consolidated analytical building blocks further comprises the step of accessing a due diligence project timeline with milestones and tasks arranged as at least one of Gantt charts, PERT charts and text such that key deliverable timing is developed at the beginning of the due diligence project with inputs from due diligence team members (col. 17, lines 33-67; col. 18, lines 12-24; col. 29, lines 45-65; Figure 8; The system allows users to create projects including project timelines, milestones and deliverables.).

As per claims 5, 17 and 29, Marpe et al. discloses a method, system and computer according to claims 1, 13 and 25, further comprising the step of accessing a project feedback mechanism including graphical indicators for tracking key due diligence deliverables of at least one of types and quantities of underwriting completed, total project budget and status of deliverables (col. 17, lines 37-60; col. 18, lines 41-47; col. 19, lines 35-47; The system tracks and reports on the progress of projects including status of milestones and deliverables.).

As per claims 6, 18 and 30, Marpe et al. discloses a method, system and computer according to claims 5, 17 and 29, wherein said step of accessing a project feedback mechanism further comprises the step of accessing a due diligence project

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calendar with notable local and global dates identified (col. 19, lines 30-47; col. 43, lines 54-55; Figures 9 and 10; The system provides the user with calendaring features.).

As per claims 7, 19 and 31, Marpe et al. discloses a method, system and computer according to claims 1, 13 and 25, further comprising the step of storing contact information of due diligence team members and collaborators of at least one of telephone numbers, e-mail address and postal address information (col. 42, line 20-col. 43, line 29; The system allows users to create and store contact information.).

As per claims 8, 20 and 32, Marpe et al. discloses a method, system and computer according to claims 1, 13 and 25, further comprising the step of storing a due diligence project to do list and status for items on the to do list (col. 21, line 32-col. 22, line 61; col. 25, lines 15-25; The system allows users to maintain project task lists and the status related to the tasks.).

As per claims 9, 21 and 33, Marpe et al. discloses a method, system and computer according to claims 1, 13 and 25, wherein said step of storing newly accumulated knowledge further comprises the step of creating a shared storage place for various due diligence functions to store project files and information such that team members and collaborators can access and retrieve the information (col. 2, lines 59-67; col. 9, lines 10-52; Figure 1).

As per claims 10, 22 and 34, Marpe et al. discloses a method, system and computer according to claims 1, 13 and 25, wherein said step of storing newly accumulated knowledge further comprises the step of creating an information flow map that identifies sources and uses of information utilized to make due diligence decisions

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(col. 13, line 18-col. 14, line 14; The system provides users with a hierarchy of categories to easily identify and find the appropriate knowledge topic.).

As per claims 11, 23 and 35, Marpe et al. discloses a method, system and computer according to claims 1, 13 and 25, wherein said step of accessing stored, accumulated knowledge further comprises the step of accessing historical best practices, collated and codified from past due diligence exercises (col. 9, lines 50-52; col. 47, lines 5-42).

As per claims 12, 24 and 36, Marpe et al. discloses a method, system and computer according to claims 1, 13 and 25, wherein said step of accessing stored, accumulated knowledge further comprises the step of accessing a database of relevant valuation information and facts associated with the due diligence to value a portfolio of assets (col. 51, line 9-col. 53, line 25; The system has industry-specific applications, including underwriting, valuation and financial due diligence functions.).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Narimatsu et al. (U.S. 5,826,236) discusses a resource allocation and scheduling system;
- Leisten et al. (U.S. 6,023,702) discusses a system and method for project management;

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- Sanders (U.S. 6,411,936) discusses an enterprise value enhancement system and method; and
- Eder (U.S. 6,393,406) discusses a method and system for valuing elements of a business.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 703-605-4251. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

or faxed to:

703-872-9306 [Official Communications; including After Final  
communications labeled "Box AF"]

703-746-7202 [For status inquiries, draft communication, labeled  
"Proposed" or "Draft"]



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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA 7<sup>th</sup> floor receptionist.



cmc

June 24, 2004



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